

**THIS DECISION HAS BEEN APPEALED. THE  
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:  
SOAH DOCKET NO. 453-04-1212.M2**

October 9, 2003

Re: Medical Dispute Resolution  
MDR #: M2-03-1799-01  
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to \_\_\_\_ for an independent review. \_\_\_\_ has performed an independent review of the medical records to determine medical necessity. In performing this review, \_\_\_\_ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Certified in Chiropractic Medicine.

**Clinical History:**

This female patient was injured on \_\_\_\_\_. She had complaints of left arm pain as well as tingling and numbness. "She also complained of limited strength in her left hand. She reports that this pain and complaints began to affect her the beginning of the Summer of 2000. She notes these symptoms have progressively gotten worse over the past several months, where she felt medical attention should be sought."

Prior treatment has included manipulation, medication, physical therapy, ESI's, and aggressive surgery which included a multi-level anterior discectomy and fusion with cornerstone allograft bone and anterior cervical plating.

**Disputed Services:**

Proposed Individual Counseling x 10 Sessions and Biofeedback x 10 Sessions.

**Decision:**

The reviewer disagrees with the determination of the insurance carrier. The services in question are medically necessary in this case.

**Rationale:**

Based on the extent of the treatment and the resulting structural, biomechanical, and functional alterations and resulting pain, it could be reasonably assumed that this patient would require counseling and biofeedback. The treating physician provided documentation including psychological and sociological evaluation, as well as an article on biofeedback to support the medical necessity in this case.

I am the Secretary and General Counsel of \_\_\_\_ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by \_\_\_\_ is deemed to be a Commission decision and order.

### **YOUR RIGHT TO REQUEST A HEARING**

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

**If disputing a spinal surgery prospective decision** a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

**If disputing other prospective medical necessity** (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings  
Texas Workers' Compensation Commission  
P.O. Box 40669  
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on October 9, 2003.

Sincerely,